

By Cross

H. B. No. 2251

A BILL TO BE ENTITLED

AN ACT

relating to the construction of certain pressure vessels.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Pressure vessel" means a container for the containment of pressure, either internal or external that is obtained from an external source, or by the application of heat from a direct or indirect source, or any combination thereof.

(2) "Commissioner" means the Commissioner of the Texas Department of Labor and Standards.

(3) "Board" means the Board of Pressure Vessel Rules.

SECTION 2. RULES; BOARD OF PRESSURE VESSEL RULES. (a) The commissioner may promulgate and enforce rules for the construction of pressure vessels covered by this Act. The rules shall adopt and be consistent with Section VIII of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and its addenda, cases, and interpretations adopted by the council of the society.

(b) There is established within the department of labor and standards a Board of Pressure Vessel Rules, consisting of nine members appointed by the commissioner who hold office for terms of six years expiring on January 31 of odd-numbered years.

(c) The commissioner may remove any member of the board for inefficiency or neglect of duty in office. On the resignation,

1. death, suspension, or incapacity of any member, the commissioner
2 shall fill the vacancy for the remainder of the unexpired term with
3 an individual representative of the same interests with which the
4 predecessor was identified at the time of his appointment.

5 (d) All nine members shall have experience with pressure
6 vessels. At least four, if possible, shall be registered
7 professional engineers licensed in the State of Texas. At least
8 three members shall be representatives of a person, firm, or
9 corporation owning or operating pressure vessels. One shall be
10 representative of a pressure vessel manufacturer or installer.
11 Three shall be representatives of companies insuring pressure
12 vessels in this state. One shall be a mechanical engineer on the
13 faculty of a recognized engineering college within the state. One
14 shall be a representative of a labor union.

15 (e) The chief inspector shall serve as an ex officio member
16 and as chairman. The commissioner shall be an ex officio member.
17 The board shall meet at the call of the chairman at least twice
18 each year. No decision of the board shall be effective unless
19 supported by the vote of at least five members.

20 (f) The board shall act in an advisory capacity to the
21 commissioner in promulgating rules for the construction of pressure
22 vessels covered by this Act.

23 (g) The board members shall serve without salary, but are
24 entitled to reimbursement for actual expenses incurred in the
25 performance of their duties as board members.

26 SECTION 3. EXEMPTIONS. The following pressure vessels are
27 exempted from the provisions of this Act:

1 (1) pressure vessels owned or operated by the United States
2 government;

3 (2) pressure vessels used for the transportation and storage
4 of compressed or liquified gases if constructed and operated in
5 compliance with specifications and regulations of the United States
6 Department of Transportation;

7 (3) pressure vessels located on vehicles operating pursuant
8 to regulations of other state authorities and used for carrying
9 passengers or freight;

10 (4) pressure vessels installed on the right-of-way of
11 railroads and used directly in the operation of trains;

12 (5) pressure vessels having an internal or external
13 operating pressure not exceeding 15 PSIG, without regard to size;

14 (6) pressure vessels with a nominal capacity of 120 gallons
15 or less for containing water under pressure, including those
16 containing air, the compression of which serves only as a cushion;

17 (7) pressure vessels containing water heated by steam or any
18 other indirect means when none of the following limitations are
19 exceeded:

20 (A) a heat input of 200,000 Btu's per hour;

21 (B) a water temperature of 200 degrees Fahrenheit; or

22 (C) a nominal water-containing capacity of 120 gallons;

23 (8) pressure vessels that do not exceed:

24 (A) 5 cubic feet in volume and 250 PSIG pressure;

25 (B) 1-1/2 cubic feet in volume and 600 PSIG pressure; or

26 (C) an inside diameter of six inches without regard to
27 pressure;

1 (9) pressure vessels which are under the regulation and
2 control of the railroad commission;

3 (10) piping and pipelines;

4 (11) fired process tubular heaters and furnaces;

5 (12) pressure vessels covered by Chapter 436, Acts of the
6 45th Legislature, Regular Session, 1937, as amended (Article 5221c,
7 Vernon's Texas Civil Statutes);

8 (13) pressure vessels in buildings occupied solely for
9 residence purposes with accommodations not to exceed four families;

10 (14) pressure vessels located on farms and used exclusively
11 for agricultural purposes;

12 (15) pressure vessels used solely by and in the care,
13 custody, and control of research facilities for research that will
14 result in the destruction of the vessel;

15 (16) pressure vessels used as an integral part of an
16 electrical circuit breaker or transformer;

17 (17) pressure vessels for human occupancy; and

18 (18) pressure vessels manufactured from nonmetallic
19 materials.

20 SECTION 4. STANDARDS ADOPTED BY POLITICAL SUBDIVISION. A
21 political subdivision of this state, without the express approval
22 of the department of labor and standards following a hearing on the
23 matter, may not adopt different standards from those promulgated by
24 the commissioner for the construction of pressure vessels within
25 the political subdivision.

26 SECTION 5. SPECIAL DESIGN. The commissioner may grant at
27 his discretion written approval for the construction of a pressure

1 vessel of a special design that does not comply with the rules but
2 that is consistent with the safety objectives of the rules.

3 SECTION 6. CONSTRUCTION REQUIREMENTS; GRIEVANCE; VARIANCE.

4 (a) Vessels covered by this Act shall be constructed in accordance
5 with the rules promulgated by the commissioner, unless
6 authorization to do otherwise is obtained in accordance with this
7 Act. Pressure vessels constructed after the effective date of this
8 Act may not be used if their construction is not in accordance with
9 the rules, unless authorization for the noncompliance was obtained
10 in accordance with this Act, or unless it can be proven to the
11 satisfaction of the commissioner that the design and construction
12 of the pressure vessel has provided or will provide equivalent
13 safety.

14 (b) Any person aggrieved by a rule or decision may notify
15 the commissioner of the grievance in writing. The commissioner
16 shall consider the grievance and may amend or repeal the rule or
17 decision on his own motion. If the commissioner fails to amend or
18 repeal the rule or decision within 10 days after the day of receipt
19 of the written notice of grievance, the aggrieved party may file a
20 written application for a hearing. The commissioner shall conduct
21 a hearing within 30 days after the day of receipt of the
22 application. At the hearing, the aggrieved party shall have the
23 opportunity to show cause for the amendment or repeal of the rule
24 or decision.

25 (c) On failure of the commissioner to amend or repeal a rule
26 or decision, the aggrieved person may file a petition to review,
27 set aside, modify, or suspend the action of the commissioner. The

1 suit shall be brought in the District Court of Travis County.

2 (d) Any person, firm, or corporation that owns, operates, or
3 manufactures pressure vessels may request a variation from a rule
4 or decision. The request for variation shall be in writing and
5 shall specify how the equivalent safety is to be maintained. The
6 commissioner, after investigation and such hearing as he may
7 direct, may on his own motion, grant the variation from the terms
8 of any rule or decision, provided such special conditions as may be
9 specified are maintained in order to provide equivalent safety.

10 (e) The commissioner's decisions on grievances and
11 variations become effective on the dates the decisions are
12 rendered.

13 SECTION 7. SPECIAL INSPECTIONS; FEES. (a) The commissioner
14 is empowered to provide a special inspection service to persons,
15 firms, and corporations owning, operating, or manufacturing
16 pressure vessels, including conducting surveys, if any, required
17 for certification to construct pressure vessels.

18 (b) With the advice of the board, the commissioner shall fix
19 and collect fees for the special inspections. The fees collected
20 shall be deposited in a special fund in the state treasury to be
21 used by the department in administering this Act and Chapter 436,
22 Acts of the 45th Legislature, Regular Session, 1937, as amended
23 (Article 5221c, Vernon's Texas Civil Statutes).

24 SECTION 8. TEMPORARY PROVISIONS. (a) In making the initial
25 appointments to the Board of Pressure Vessel Rules, the
26 Commissioner of the Texas Department of Labor and Standards shall
27 designate three members for terms expiring in 1983, three members

1. for terms expiring in 1985, and three members for terms expiring in
2 1987.

3 (b) This Act does not apply to pressure vessels constructed,
4 under construction, or under formal contract for construction
5 before the effective date of this Act. Those pressure vessels are
6 governed by the standards in existence before the effective date of
7 this Act, which are continued in effect for this purpose as if this
8 Act were not in force.

9 (c) The initial rules promulgated by the Commissioner of the
10 Texas Department of Labor and Standards pursuant to this Act may
11 not take effect before one year after they are published in the
12 Texas Register. Until those rules are effective, the standards in
13 existence before the effective date of this Act apply and are
14 continued in effect for this purpose as if this Act were not in
15 force.

16 SECTION 9. EFFECTIVE DATE. This Act takes effect September
17 1, 1981.

18 SECTION 10. EMERGENCY. The importance of this legislation
19 and the crowded condition of the calendars in both houses create an
20 emergency and an imperative public necessity that the
21 constitutional rule requiring bills to be read on three several
22 days in each house be suspended, and this rule is hereby suspended.

H. B. No. 2251

By Criss

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MAR 13 1981

1. Filed with the Chief Clerk.

MAR 19 1981

2. Read first time and Referred to Committee on

Employment Practices

3. Reported favorably (as amended)
(as substituted) and sent to Printer at _____

4. Printed and distributed at _____

5. Sent to Committee on Calendars at _____

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of _____ yeas, _____ nays, _____
present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas,
_____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote
of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed
prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____
nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

10/5/8